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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/789,859	02/27/2004	Kent Ashby	15499.450.2	8490
22913	7590	01/09/2008		
WORKMAN NYDEGGER 60 EAST SOUTH TEMPLE 1000 EAGLE GATE TOWER SALT LAKE CITY, UT 84111			EXAMINER TRAN, HANH VAN	
			ART UNIT 3637	PAPER NUMBER
			MAIL DATE 01/09/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/789,859	Applicant(s) ASHBY ET AL.	
	Examiner Hanh V. Tran	Art Unit 3637	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 October 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 40,41,44-46,49,50,58-60,62 and 65-78 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 40,41,44-46,49,50,58-60,62 and 65-78 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 10/9/2007 has been entered.

Claim Rejections - 35 USC § 103

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

3. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

4. Claims 40-41, 45-46, 49-50, 65-70, and 77 are rejected under 35 U.S.C. 103(a) as being unpatentable over USP 4,168,669 to Arnoff in view of 3,123,935 to Williams, USP 6,058,853 to Pinch, and USP 5,681,102 to Forsgren.

Arnoff discloses a table comprising all the elements recited in the above listed claims including, such as shown in Figs 2, 4-5 & 8, a table top 1 constructed from plastic, the table top including an upper surface and a lower surface that is spaced apart

from the upper surface; at least two pairs of leg receiving recesses 20-22 disposed on the underside of the table top; a single support assembly 2 that is sized and configured to support the table top above a surface, the single support assembly being capable of moving between an extended position in which the single support assembly supports the table top above the surface and a collapsed position to facilitate storage of the table, the single support assembly including only two legs 23-24, the single support assembly comprising: a first leg including a body portion and an upper portion, the upper portion of the first leg being sized and configured to be selectively received and retained within one of the pairs of leg receiving recesses; and a second leg including a body portion and an upper portion, the upper portion of the second leg being sized and configured to be selectively received and retained within another of the pairs of leg receiving recesses, the first leg and second leg being pivotally interconnected to form a generally X-shaped configuration. The differences being that Arnoff does not disclose a frame connected to the lower surface of the table top having first and second rails disposed on respective first and second sides of the table top with each side rail having at least one guide, a drawer slidably connected to the lower surface of the table top and having outwardly extending flange sized and configured to contact the guides of the frame, and the table top constructed from blow-molded plastic including a lower surface, an upper surface spaced apart from the lower surface, and a hollow interior portion that is formed during the blow-molding process, the hollow interior portion being at least partially disposed between the upper surface and the lower surface.

Williams teaches the idea of providing a table top with a drawer thereto in order to allow one or more items to be stored in the drawer. Therefore, it would have been obvious at the time of the invention to modify the structure of Arnoff by providing the table top with a drawer in order to allow one or more items to be stored in the drawer, as taught by Williams, since both teach alternate conventional table top structure, used for the same intended purpose of supporting objects thereon, thereby providing structure as claimed.

Pinch teaches the idea of a table top constructed from blow-molded plastic, the table top including a lower surface, an upper surface spaced apart from the lower surface, and a hollow interior portion that is formed during the blow-molding process, the hollow interior portion being at least partially disposed between the upper surface and the lower surface; wherein the blow-molded plastic table top structure provides a light weight, yet sturdy table top. Therefore, it would have been obvious to modify the structure of Arnoff, as modified, by providing a table top constructed from blow-molded plastic, the table top including a lower surface, an upper surface spaced apart from the lower surface, and a hollow interior portion that is formed during the blow-molding process, the hollow interior portion being at least partially disposed between the upper surface and the lower surface for the purpose of having a light weight, yet sturdy table top, as taught by Pinch, since both teach alternate conventional table top structure, used for the same intended purpose, thereby providing structure as claimed.

Forsgren shows that it is well known in the art to provide a frame structure with guides and a drawer with outwardly extending flanges being sized and configured to

contact the guides of the frame in order to facilitate opening and closing of the drawer. Therefore, it would have been obvious to modify the structure of Arnoff, as modified, by providing first and second rails disposed on respective first and second sides of the table top with each side rail having at least one guide, the drawer slidably connected to the lower surface of the table top and having outwardly extending flange sized and configured to contact the guides of the frame in order to facilitate opening and closing of the drawer, as taught by Forsgren, since both teach alternate conventional table top structure, used for the same intended purpose, thereby providing structure as claimed.

5. Claim 44 is rejected under 35 U.S.C. 103(a) as being unpatentable over Arnoff, as modified, as applied to claim 10 above, and further in view of USP 5,484,822 to Wu.

Arnoff, as modified, discloses all the elements as discussed above except for an opening integrally formed in a generally downwardly lip formed in the table top, the opening being sized and configured to receive at least a portion of the first leg and the second leg when the first leg and second leg are in a collapsed position.

Wu teaches the use of an opening integrally formed in a generally downwardly lip formed in a table top to provide a recessed retainment to be old. Therefore, it would have been obvious to modify the structure of Arnoff, as modified, to include an opening integrally formed in a generally downwardly lip formed in the table top, the opening being sized and configured to receive at least a portion of the first leg and the second leg when the first leg and second leg are in a collapsed position, as taught by Wu, since both teach alternate conventional table having folding leg structure, used for the same intended purpose, thereby providing structure as claimed.

6. Claims 58-60, 62, 71-76, and 78 are rejected under 35 U.S.C. 103(a) as being unpatentable over USP 4,168,669 to Arnoff in view of 3,123,935 to Williams, USP 6,058,853 to Pinch, USP 5,681,102 to Forsgren and USP 5,484,822 to Wu.

Arnoff discloses a table comprising all the elements recited in the above listed claims including, such as shown in Figs 2, 4-5 & 8, a table top 1 constructed from plastic, the table top including an upper surface and a lower surface that is spaced apart from the upper surface; at least two pairs of leg receiving recesses 20-22 disposed on the underside of the table top; a single support assembly 2 that is sized and configured to support the table top above a surface, the single support assembly being capable of moving between an extended position in which the single support assembly supports the table top above the surface and a collapsed position to facilitate storage of the table, the single support assembly including only two legs 23-24, the single support assembly comprising: a first leg including a body portion and an upper portion, the upper portion of the first leg being sized and configured to be selectively received and retained within one of the pairs of leg receiving recesses; and a second leg including a body portion and an upper portion, the upper portion of the second leg being sized and configured to be selectively received and retained within another of the pairs of leg receiving recesses, the first leg and second leg being pivotally interconnected to form a generally X-shaped configuration. The differences being that Arnoff does not disclose a frame connected to the lower surface of the table top having first and second rails disposed on respective first and second sides of the table top with each side rail having at least one guide, a drawer slidably connected to the lower surface of the table top and having

outwardly extending flange sized and configured to contact the guides of the frame, and the table top constructed from blow-molded plastic including a lower surface, an upper surface spaced apart from the lower surface, and a hollow interior portion that is formed during the blow-molding process, the hollow interior portion being at least partially disposed between the upper surface and the lower surface, and an opening integrally formed in a generally downwardly lip formed in the table top, the opening being sized and configured to receive at least a portion of the first leg and the second leg when the first leg and second leg are in a collapsed position.

Williams teaches the idea of providing a table top with a drawer thereto in order to allow one or more items to be stored in the drawer. Therefore, it would have been obvious at the time of the invention to modify the structure of Arnoff by providing the table top with a drawer in order to allow one or more items to be stored in the drawer, as taught by Williams, since both teach alternate conventional table top structure, used for the same intended purpose of supporting objects thereon, thereby providing structure as claimed.

Pinch teaches the idea of a table top constructed from blow-molded plastic, the table top including a lower surface, an upper surface spaced apart from the lower surface, and a hollow interior portion that is formed during the blow-molding process, the hollow interior portion being at least partially disposed between the upper surface and the lower surface; wherein the blow-molded plastic table top structure provides a light weight, yet sturdy table top. Therefore, it would have been obvious to modify the structure of Arnoff, as modified, by providing a table top constructed from blow-molded

plastic, the table top including a lower surface, an upper surface spaced apart from the lower surface, and a hollow interior portion that is formed during the blow-molding process, the hollow interior portion being at least partially disposed between the upper surface and the lower surface for the purpose of having a light weight, yet sturdy table top, as taught by Pinch, since both teach alternate conventional table top structure, used for the same intended purpose, thereby providing structure as claimed.

Forsgren shows that it is well known in the art to provide a frame structure with guides and a drawer with outwardly extending flanges being sized and configured to contact the guides of the frame in order to facilitate opening and closing of the drawer. Therefore, it would have been obvious to modify the structure of Arnoff, as modified, by providing first and second rails disposed on respective first and second sides of the table top with each side rail having at least one guide, the drawer slidably connected to the lower surface of the table top and having outwardly extending flange sized and configured to contact the guides of the frame in order to facilitate opening and closing of the drawer, as taught by Forsgren, since both teach alternate conventional table top structure, used for the same intended purpose, thereby providing structure as claimed.

Wu teaches the use of an opening integrally formed in a generally downwardly lip formed in a table top to provide a recessed retainment to be old. Therefore, it would have been obvious to modify the structure of Arnoff, as modified, to include an opening integrally formed in a generally downwardly lip formed in the table top, the opening being sized and configured to receive at least a portion of the first leg and the second leg when the first leg and second leg are in a collapsed position, as taught by Wu, since

both teach alternate conventional table having folding leg structure, used for the same intended purpose, thereby providing structure as claimed. In regard to claim 60, Arnoff, as modified by Wu by providing an opening, facilitates stacking of the table.

Response to Arguments

7. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hanh V. Tran whose telephone number is (571) 272-6868. The examiner can normally be reached on Monday-Thursday, and alternate Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on (571) 272-6867. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Application/Control Number:
10/789,859
Art Unit: 3637

Page 10

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



HVT
January 07, 2008

Hanh V. Tran
Art Unit 3637